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## DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

### Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

#### VIRGINIA IRON, COAL & COKE CO. *v.* STANBERRY.

Sept. 9, 1915.

[86 S. E. 130.]

1. **Trial (§ 156\*)—Demurrer to Evidence—Conflicting Evidence—Effect.**—Where conflicting evidence presents a question for the jury, on demurrer to the evidence the question must be decided in favor of the demurree.

[Ed. Note.—For other cases, see Trial, Cent. Dig. 354-356; Dec. Dig. § 156.\* 4 Va.-W. Va. Enc. Dig. 477.]

2. **Master and Servant (§ 288, 289\*)—Injuries to Servant—Contributory Negligence and Assumption of Risk—Question for Jury.**—In a miner's action for injuries received while bonding a track, by being struck by a trip of cars negligently operated by a fellow servant, incompetent to the knowledge of both master and injured servant, question whether such servant was guilty of contributory negligence, or had assumed the risk of injury, held for the jury.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 1068-1090, 1092-1132; Dec. Dig. § 288, 289.\* 9 Va.-W. Va. Enc. Dig. 726.]

Error to Circuit Court, Wise County..

Action by T. C. Stanberry against the Virginia Iron, Coal & Coke Company. Judgment for plaintiff, and defendant brings error. Affirmed.

*F. A. Groseclose, D. D. Hull, Jr., of Roanoke, Bullitt & Chalkley, of Big Stone Gap, and Jackson & Henson, of Roanoke, for plaintiff in error.*

*W. H. Werth, of Tazewell, for defendant in error.*

#### VIRGINIA & S. W. Ry. Co. *v.* SKINNER. SAME *v.* HARRIS.

Sept. 9, 1915.

[86 S. E. 132.]

1. **Trial (§ 253\*)—Instructions—Ignoring Issues—Contributory Negligence.**—An instruction, in a railroad crossing collision case,

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.